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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/797,738

03/10/2004

Richard Humpleman

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11/29/2006

MYERS DAWES ANDRAS & SHERMAN, LLP
19900 MACARTHUR BLVD.,
SUITE 1150
IRVINE, CA 92612

EXAMINER

BASHORE, WILLIAM L

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,738

Applicant(s)

HUMPLEMAN

Examiner

William L. Bashore

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☒ Claim(s) 19-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/06/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: amendment original application filed 3/10/2004. Said application is a division of U.S. Application 09/104,297 filed 6/24/1998, now U.S. Patent No. 7,039,858 Said application claims provisional filing dates of 9/22/1997, and 6/25/1997.
2. Claims 9-23 pending. Claims 17-23 have been added. Claim 9 is independent.

Allowable Subject Matter

3. **Claims 19-23 are objected to** as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, T., et al. (hereinafter Suzuki), Teleoperation of multiple robots through the Internet, IEEE, 11/14/1996, pages 84-89 (cited in Applicant's IDS), in view of Yokota, K et al. (hereinafter Yokota), A human interface system for the multi-agent robotic system, IEEE, 5/13/1994, pages 1039-1044, volume 2, and further in view of Home Control Software, HomeVision by Custom Solutions Inc. (hereinafter HomeVision), October 1996, pages 1-3 (listed on examiner's PTO-892, filed 3/10/2004).**

In regard to independent claim 9, Suzuki teaches a networked computer interface system comprising a Web browser interface for user control of two remote robots in a room of a plant (i.e. a form of home) environment (Suzuki pages 86-88, also Figure 4). Suzuki's service in this case is to observe an object (Suzuki page 88) (Compare with claim 9 *"A method for performing a service on a home network having a plurality of home devices connected thereto, the method comprising the steps of:"*).

Suzuki teaches connection of a client device to a network, in this case, the central workstation containing the user interface (Suzuki page 86 to 87 left column, also Figure 4; compare with claim 9 *"connecting a client device to the home network wherein the device is capable of displaying a user interface;"*

Execution of a software agent would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Suzuki, because Suzuki's teaching of "acquiring the system's status by monitoring and showing them to the operator comprehensively" (Suzuki page 85 at upper right), provides reasonable suggestion to the skilled artisan that a software agent is invoked to monitor and show information via GUI of Suzuki Figure 4 accordingly. It would have been obvious to one of ordinary skill in the art at the time of the invention for Suzuki to use such an agent, providing Suzuki the benefit of agents for monitoring and polling purposes (compare with claim 9 *"executing a software agent on the client device, wherein executing the software agent causes a user interface to be displayed on the client device;"*).

Suzuki teaches two robots (a first and second home device) which are connected to the network, and have been selected via GUI interface accordingly (Suzuki page 87 section 5.2, page 88 section 5.3; compare with claim 9 *"selecting a first home device from the user interface being displayed on the device, wherein the first home device is connected to the home network;"*, and *"selecting a second home device from the user interface being displayed on the device, wherein the second home device is connected to the home network;"*).

Suzuki teaches sending command and control data from the client device GUI to each of said two robots (Suzuki page 87 section 5.2, page 88 section 5.3). Suzuki also teaches commands sent to said two robots to accomplish a service of observing an object (Suzuki page 88) (compare with claim 9 *"sending control and command data from the client device to the first and second home devices..."*, and *"...to perform the service."*).

Suzuki does not specifically teach each home device communicating with each other. However, Yokota teaches an interface to a multi-agent robotic system whereby the behavior of each agent (robot) is highly affected by others, and interact/cooperate accordingly in a room (Yokota page 1039 at bottom right, page 1040 Figure 1 also section 4.1, page 1041 at upper left, item 6; compare with claim 9 “...to cause the first and second home device to communicate with each other...”). It is noted that both references share a common author (Tsuyoshi Suzuki). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Yokota to Suzuki, providing Suzuki the benefit of robot cooperation in achieving a common service. In this case, Suzuki's two robots (Suzuki Figure 10) would cooperate so as not to run into each other.

Although Suzuki teaches a “top” area menu showing images from each detected device (robot) (Suzuki page 87 Figure 4), Suzuki does not specifically teach this as a menu that lists devices accordingly, or providing a list for a user to select to activate controllable functions for a selected device. However, HomeVision teaches a home network GUI comprising a list of devices numbered accordingly, each can be selected for programming action functions in a displayed user interface (HomeVision Figures on pages 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply HomeVision's device list and GUI input, to the top area of Suzuki's Figure 4, and to Suzuki's "Dialogue Window" and Control Panel, etc., providing Suzuki the benefit of a list for convenient selection purposes and for controlling each device accordingly.

In regard to dependent claim 10, Suzuki teaches various session managers (modules) for acting on behalf of, and assisting, the user (Suzuki page 86 right column to page 87 left column).

In regard to dependent claim 11, Suzuki teaches a GUI interface, including buttons for directing home devices (Suzuki Figure 4).

In regard to dependent claims 12, 13, Suzuki teaches a browser (Netscape), along with an HTML based GUI with buttons to control home devices (Suzuki Figure 4).

In regard to dependent claims 14, 15, Suzuki does not specifically recite its devices as sink-like and source-like. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Suzuki/Yokota, since Suzuki in view of Yokota teach two robots in communication and cooperation with each other, It would have been obvious to the skilled artisan that both robots can act as sink/source, or source/sink, accordingly (i.e. handing an object from one robot to another, etc., see also rejection of claim 9 above). Utilizing this would provide the benefit of allowing more complex tasks.

In regard to dependent claim 16, Suzuki teaches an operation database in which a table (i.e. typically using an SQL file) indicates the relationship (matching) between known tasks and robot functions (a form of device capabilities file). Suzuki further teaches identification of robots using matching capabilities (Suzuki page 87 section 5.2, page 88 section 5.3).

In regard to dependent claim 17, Suzuki teaches an HTML browser interface for controlling devices, said interface utilizing various control and session managers (i.e. code and constructs, modules etc.) for communication and configuration between devices (Suzuki Figure 4, also page 87 - left column).

In regard to dependent claim 18, Suzuki teaches selection and configuration of devices for fulfilling a task utilizing certain device options (Suzuki page 88 – section 5.3, Figures 6, 7, 10).

Response to Arguments

6. Applicant's arguments filed 9/5/2006 have been fully and carefully considered but they are not persuasive.

Applicant argues that Suzuki is non-analogous art, and that Suzuki does not deal with rooms and homes. The examiner respectfully disagrees. Suzuki is an HTML interface for controlling remote devices. In additional support of the instant rejections, Yokota teaches rooms (Yokota page 1040 section 4.1 – item 1). A central manager can act as a client device. Although operation modules are utilized, said modules follow the ultimate directions of a user for attaining a final goal of completing a task.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

Art Unit: 2176

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

November 26, 2006